

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
August 5, 2008

The City Council convened in Regular Session on Tuesday, August 5, 2008, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, Richard Veit, and Michael Weller. Absent: None. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #46877

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

President of the Council Jerry Reese welcomed Bob Scott back to the Council Meeting following a recent illness.

PUBLIC HEARINGS

The President of the Council Jerry Reese announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Case No. CU-17-08. (Daniel Honerkamp - Shive Hattery) An application for a Conditional Use Permit to construct a new cell tower within the C-2 General Business District and the Extended Historic District. The applicant proposes to construct an eighty (80) foot stealth monopole tower with associated equipment and screening within the existing parking lot area. The subject property is located at 200 N. Kingshighway (Band Box Cleaners) in Ward One.
- B. Case No. Z-11-08. An application to rezone a tract of land being part of a larger 3.24 acre parcel. The property is located along Elm Street, otherwise known as Parcel Id: 5-0079-A465-00-E1. The applicant is requesting to rezone the tract of land from the I-1 Light Industrial District (0.577 acres) to C-2 General Business District. The tract of land is approximately 0.577 acres in size and is located in Ward Eight. ***(Council Bill 9714)***
- C. Case No. Z-12-08. An application to rezone a tract of land in the process of being annexed into the City of St. Charles. The property is located at 809 Pralle Lane, otherwise known as Parcel Id: 3-0116-0165-00-27. The applicant is requesting to rezone the tract of land from the County R-1E Single Family Residential to City R-1D Single-Family Residential District. The tract of land is approximately 1.09 acres in size and is located in Ward Three. ***(Council Bill 9711)***
- D. Case No. DR-06-08. An application to create a new section within Chapter 156: Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, specifically Section 156.097: Portable On Demand Storage, by adding language to allow the use and limit the time and location of temporary, portable storage units within the City of St. Charles.

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RESOLUTIONS/AWARDS/PROCLAMATIONS

Presentation of Check to Grant Recipient Volunteers in Medicine

Presentation of check was made to grant recipients Volunteers in Medicine; and a brief presentations was given by Anita Hockett explaining the functions of the organization.

A Resolution in Support of Retaining the Slip Off Ramp from Westbound Highway 94 to Old Highway 94 Near Zumbahl Road (*Sponsor: Bob Kneemiller*)

City Clerk Marilyn K. McCoy read the Resolution in its entirety. Councilmember Bob Kneemiller announced that MoDot has scheduled a public meeting relative to the proposed closure of the slip-off ramp on August 7, 2008, at McClay Library, from 4:00 p.m. to 7:00 p.m. A roll call vote was taken, with the following results:

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, and Feldman

 "Nay": None

 Absent: None

Approved by the Honorable Mayor on August 6, 2008, and is known as **Resolution R08-21**

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 9697 Amending Section 156.085 Allowing One (1) Pot-Bellied Pig as a Domestic Pet

Chris Jones, 2804 Holiday Lane, spoke in favor of Council Bill 9697.

Karen Finch, 59 Atwater Drive, St. Peters, Mo., spoke in favor of Council Bill 9697.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Jim Christiansen, 709 Hillenkamp Drive, St. Charles, MO 63304, voiced concern relative to flooding on his property on Little Hills Industrial Blvd. President of the Council Jerry Reese requested that Director of Administration Michael Spurgeon contact Mr. Christiansen relative to this issue.

BILLS FOR FINAL PASSAGE

Bill 9633 (Withdrawn)

An Ordinance Authorizing a Contract with Coe Equipment, Inc. for the Purchase of One (1) 2009 International 7400 SBA 4x2, 41,000 lb. G.V.W.R. Single-Axle Sewer Cleaning Vacuum Truck in an Amount Not to Exceed \$258,657.00 (*Sponsor: Jerry Reese*)

Sponsor Jerry Reese withdrew Council Bill 9633 from Council consideration. Director of Public Works Debra Aylsworth responded to an inquiry of Councilmember Michael Klinghammer that the vacuum truck will be re-bid with more generic specifications. Councilmember Michael Klinghammer requested that approval of a contract for purchase of the vacuum truck be referred to the Board of Public Works for recommendation.

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Bill 9697 (Held)

An Ordinance Amending Section 156.085 of the Code of Ordinances Pertaining to Animals, by Adding Language to Allow Occupants of Dwelling Units in All Residential Zoning Districts and Dwelling Units in the C-O and C-1 Zoning Districts to Allow One (1) Pot-Bellied Pig as a Domestic Pet (*Sponsors: Jerry Reese and Erv Ermeling*)

Discussion was held relative to allowing pot-bellied pigs as a domestic pet in the City. Direction was given to provide the following: 1) St. Peters, O'Fallon, Wentzville, and St. Charles County ordinances relative to pot-bellied pigs; and 2) information from the Humane Society relative to pot-bellied pigs; including, whether pot-bellied pigs are susceptible to rabies, and whether there is a rabies vaccine available for pot-bellied pigs. Councilmember Richard Veit requested that City Attorney Michael Valenti draft an ordinance to amend the existing ordinances relative to domestic pets to include pot-bellied pigs, where appropriate.

Bill 9698

An Ordinance Authorizing a Right-of-Way Encroachment License Agreement with Persimmon Group, LLC for the Construction and Maintenance of a Dumpster Enclosure on City-Owned Property Located at 110 Olive Street (*Sponsor: Richard Veit*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer

"Nay": None

Absent: None

Approved by the Honorable Mayor on August 6, 2008, and is known as **Ordinance 08-149**

Bill 9699

An Ordinance Vacating a Fifteen (15) Foot Wide Utility Easement Located on Lot 2A of Resubdivision of Lot 2 of The Bull Subdivision (*Sponsor: Jerry Reese*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer

"Nay": None

Absent: None

Approved by the Honorable Mayor on August 6, 2008, and is known as **Ordinance 08-150**

Bill 9700

An Ordinance Authorizing a Renewal Contract with HD Supply Waterworks for the Purchase of Miscellaneous Water Supplies in an Amount Not to Exceed \$129,633.22 (*Sponsor: Michael Klinghammer*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer

"Nay": None

Absent: None

Approved by the Honorable Mayor on, August 15, 2008, and is known as **Ordinance 08-154**

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Bill 9701

An Ordinance Authorizing a Renewal Contract with Schulte Supply, Inc. for the Purchase of Neptune Automated Water Meters and Components in an Amount Not to Exceed \$119,942.95 (*Sponsor: Michael Klinghammer*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer

"Nay": None

Absent: None

Approved by the Honorable Mayor on August 15, 2008, and is known as **Ordinance 08-155**

Bill 9702

An Ordinance Approving the Record Plat for Resubdivision Plat of Lots 2921, 2922A-2922C, and 2924 of the New Town at St. Charles Plat Six-E (*Sponsor: Michael Klinghammer*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer

"Nay": None

Absent: None

Approved by the Honorable Mayor on August 6, 2008, and is known as **Ordinance 08-151**

Bill 9703 (Withdrawn)

An Ordinance Directing the Preparation and Processing of a Request for Proposals for a City Business Enterprise System; Creation of a Steering Committee to Prepare the Request for Proposals, Review Proposals and Make Recommendations Regarding the Proposals; and Date to Prepare the Proposal (*Sponsors: Michael Weller, Bob Kneemiller, and Larry Muench*)

Sponsors Michael Weller, Bob Kneemiller, and Larry Muench withdrew Council Bill 9703 from Council consideration.

File #46879

Bill 9704 (Supplemental RCA)

An Ordinance Authorizing an Engineering Services Contract with Cole and Associates for the Design of the North Fairgrounds Road Phase II Between First Capitol Drive and Boone Avenue and the Preliminary Design of Phase III Between Boone Avenue and Boone's Lick Road in an Amount Not to Exceed \$406,588.00 (*Sponsor: Larry Muench*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, and Klinghammer

"Nay": None

Absent: None

Approved by the Honorable Mayor on August 6, 2008, and is known as **Ordinance 08-152**

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Bill 9711

An Ordinance Annexing Certain Adjacent Contiguous Territories into the City of Saint Charles, Missouri, and Assigning the Properties to a Designated Ward of the City Being Lands Petitioned for Annexation by Earl and Dorothy Cissell (809 Pralle Lane).
(Sponsors: Laurie Feldman and Larry Muench)

Bill 9712

An Ordinance Rezoning to City Zoning District R-1D (Single-Family Residential District) from County Zoning District R-1E (Single-Family Residential District), an Approximate 1.09 Acre Parcel of Land Located 809 Pralle Lane. (Sponsors: Laurie Feldman and Larry Muench)

Bill 9713

An Ordinance Authorizing the Establishment of The New Town at St. Charles II Theater, Cultural Arts, and Entertainment District Pursuant to RSMo 67.2500 to RSMo 67.2530
(Sponsor: Michael Klinghammer)

Bill 9714

An Ordinance Rezoning to Zoning District C-2 (General Business District) from Zoning District I-1 (Light Industrial District), an Approximate 0.577 Acre Parcel of Land Located at 3820 Elm Street (Sponsors: Michael Klinghammer and Larry Muench)

Bill 9715

An Ordinance Authorizing Amendment No. 2 to the Contract with Wright Express Financial Services Corporation to Provide Gasoline and Diesel Fuel Services from September 1, 2007 Through August 31, 2008 for the City of St. Charles in an Amount of \$33,450.00, for a Total Amount Not to Exceed \$539,340.00. (Sponsor: Jerry E. Reese)

Bill 9716

An Ordinance Authorizing Amendment No. 2 to the Contract with Thoele, Inc. to Provide Diesel Fuel Services from September 1, 2007 Through August 31, 2008 for the City of St. Charles in an Amount of \$55,700.00, for a Total Amount Not to Exceed \$232,800.00. (Sponsor: Jerry E. Reese)

Bill 9717

An Ordinance Vacating an Approximate 244 Square Foot Portion of Boone Avenue Right of Way, Being Part of the Morningside Addition. (Sponsor: Larry Muench)

Bill 9718

An Ordinance Amending Section 73.04 and Schedule II of Chapter 78 of the Code of Ordinances by Creating a New Subsection (D)(3) to Allow Angle Parking on the Cul-de-Sac at Evergreen Drive (Sponsor: Erv Ermeling)

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Bill 9719

An Ordinance Re-adopting Chapter 31 of the Code of Ordinances and Amending Section 31.63 by Adding Additional Persons Required to File Financial Disclosure Reports
(Sponsor: Jerry Reese)

Bill 9720

An Ordinance Authorizing an Affiliation Agreement Between East Central College and the City of St. Charles for the Mutual Sharing and Utilization of Facilities and Personnel for Educational Purposes Relating to an Emergency Medical Technician- Paramedic Education Program (Sponsor: Jerry E. Reese)

Bill 9721

An Ordinance Authorizing a Contract with St. Charles County to Receive Funding from the St. Charles County Transportation Sales Tax Funds for the Installation of a Traffic Signal on Boschertown Road at Little Hills Expressway (Sponsor: Michael Klinghammer)

Bill 9722 (Amended)

An Ordinance Amending Chapter 120 of the Code of Ordinances by Adding A New Subchapter, Consisting of Five (5) New Sections, to be Known as Sections 120.80, 120.81, 120.82, 120.83 and 120.84, Pertaining to Pedal Cabs or Bicycle Taxis and Rickshaws (Sponsors: Richard Veit, Bob Kneemiller and Jerry Reese)

A motion was made by BOB KNEEMILLER to amend Council Bill 9722 to revise the speed limit to 45 mph as to where pedal cabs, bicycle taxis and rickshaws can be operated. RICHARD VEIT seconded the motion. All voted in favor, motion passed.

Bill 9723

An Ordinance Authorizing a Contract with Pace Construction Company, LLC for the Annual Overlay Project 2008 in an Amount Not to Exceed \$1,890,000.00 (Sponsor: Larry Muench)

Bill 9724

An Ordinance Fixing and Establishing the Rate and Levying the Taxes for the General Revenue Funds and for the Various Special Funds of and for the City of Saint Charles, Missouri, for the Year Two Thousand and Eight (Sponsor: Jerry E. Reese)

Bill 9725

An Ordinance Authorizing a Contract with Wright Express Financial Services Corporation to Provide Gasoline and Diesel Fuel Services from September 1, 2008 Through August 31, 2009 for the City of St. Charles in an Annual Amount Not to Exceed \$706,950.00 (Sponsor: Jerry E. Reese)

Vice President of the Council Larry Muench requested that Staff provide the Council with the amount spent last year on fuel.

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Bill 9726

An Ordinance Authorizing a Contract with Thoele, Inc. to Provide Diesel Fuel Services from September 1, 2008 Through August 31, 2009 for the City of St. Charles in an Amount Not to Exceed \$298,700.00. (*Sponsor: Jerry E. Reese*)

Vice President of the Council Larry Muench requested that Staff provide the Council with the amount spent last year on fuel.

Bill 9727

An Ordinance Approving an Administrative Regulation Relating to Towing Services (*Sponsors: Jerry Reese, Larry Muench, Bob Kneemiller, Dave Beckering, and Ron Stivison*)

Councilmembers Dave Beckering, Michael Klinghammer, and Richard Veit requested that a bidding process be implemented for towing services. It was the consensus of the Council that Councilmembers Beckering, Klinghammer, and Veit meet with the City Attorney and City Clerk to draft an alternate Administrative Regulation requiring that the towing services be bid.

Bill 9728

An Ordinance authorizing the Council Information Technology Sub-Committee and the City Clerks Office to Prepare and Process a Request for Qualifications for a technology consultant and Preparation and Processing of a Request for Proposal for a new City-wide Business Enterprise System. The project will be called "Project Enterprise." (*Sponsors: Michael Weller, Bob Kneemiller, Larry Muench, and Jerry Reese*)

Councilmember Laurie Feldman requested that her name be added as a Sponsor.

CONSENT AGENDA

A motion was made by LAURIE FELDMAN to receive and approve the Consent Agenda. DAVE BECKERING seconded the motion. A roll call vote was taken, with the following results: "Aye": Reese, Stivison, Veit, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: None. Motion passed.

A. Approval of Council Minutes

1. Administrative Hearing of July 1, 2008
File #46880
2. Regular Council Meeting of July 1, 2008
3. Special Council Meeting of July 8, 2008
4. Special Council Meeting of July 15, 2008
5. Regular Council Meeting of July 15, 2008
6. Public Hearing of July 15, 2008
File #46881
7. Special Council Meeting of July 22, 2008

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- B. Receipt and/or Approval of Council Committee Reports
1. Council Work Session of July 8, 2008
File #46725
 2. Finance & Audit Committee Meeting of July 9, 2008
File #46776
 3. Special Street Committee Meeting of July 22, 2008
 - a. Motion to Recommend Approval of Council Bill 9704 (Contract with Cole and Associates, Inc. for the Design of the North Fairgrounds Road Phase II and Phase III)
File #46775
- C. Receipt of Reports from Boards, Commissions or Committees
1. Fair Housing Commission Meeting of January 17, 2008
 - a. Motion to Adopt Sections of City Resolution No. R07-25 (NLC Platform for Strengthening Families and Improving Outcomes for Children and Youth, as follows: 1) Section II(16) Launch or Support a Citywide Campaign to Help Ensure that Low-Income Working Families Receive the Federal Earned Income Tax Credit and Other Key Benefits for Which They May be Eligible; and 2) Section II(17) Support or Sponsor Financial Literacy Courses or Personal Financial Counseling to Help Families Develop Savings Plans, Repair Credit, Avoid Predatory Lenders, and Plan for Homeownership.
File #46882
 2. Planning and Zoning Commission Meeting of May 19, 2008
File #46762
 3. Landmarks Board Meeting of May 12, 2008
File #46779
 4. Arts and Culture Commission Meeting of June 9, 2008
 - a. Motion to Approve \$5,000 for Mosaics
 - b. Motion to Approve \$7,500 for Life is Good Festival/Kid's Foundation
 - c. Motion to Table Request of Flood Stage Productions Pending Discussion with Flood Stage Representative
 - d. Motion to Table Request of C.R.E.A.T.E., Inc. Pending Further Review and Discussion
File #46751
 5. Park & Recreation Board Meeting of May 21, 2008
File #46760
 6. Park & Recreation Board Work Session Meeting of June 4, 2008
File #46760
 7. Park & Recreation Board Work Session Meeting of July 2, 2008
File #46760

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| File #46809 | 8. Veterans Commission Meeting of June 9, 2008 |
| File #46882 | 9. Fair Housing Commission Meeting of April 17, 2008 |
| File #46862 | 10. Citizens with Disabilities Advisory Board Meeting of May 28, 2008 |
| | 11. St. Charles Convention & Visitors Commission Meeting of June 26, 2008 |
| | a. Motion to Approve the May Financial Report |
| | b. Motion to Approve the Following Advertising/Public Relations Contracts: |
| | i. Group Travel Leader |
| | ii. Bank Travel |
| | iii. The Reunion Network-Grant |
| | iv. Sports Event – Grant |
| | v. Rural Missouri – Grant |
| | vi. SMERG Journal – Grant |
| | vii. Missouri Fall/Winter Guide – Grant |
| | viii. Association News – Grant |
| | ix. SGMP Director – Grant |
| | x. Home & Away – Grant |
| | xi. AAA Living – Grant |
| | xii. TMG-Fall & Winter Guide – Grant |
| | xiii. IMG Sponsorship |
| | xiv. Street Scape Magazine 2008/2009 |
| | xv. Native American Art Exhibition |
| File #46808 | |
| File #46735 | 12. Board of Adjustment Meeting of July 14, 2008 |
| File #46762 | 13. Planning and Zoning Meeting of July 7, 2008 |
| | D. Receipt of Reports of the Director of Administration |
| File #46711 | 1. Notice of Emergency Purchase |
| | E. Approval of Contracts and Easements from \$30,000 - \$99,999 |
| File #46883 | 1. Approval of Contract Amendment #2 with Varnum, Riddering, Schmidt, Howlett, Attorneys At Law, L.L.P. for legal services related to cable television and Telecommunications Matters in an amount not to exceed \$10,000.00 |

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| File #46884 | 2. | Approval of Contract with NAPA Auto Parts for purchase of vehicle/equipment parts and supplies in an amount not to exceed \$55,000.00 |
| File #46885 | 3. | Approval of Contract with St. Louis Healthy Solutions to provide the City of St. Charles Firefighters with annual physicals for the period August 1, 2008 through July 31, 2009 in an Amount not to Exceed \$37,935.00 |
| File #46886 | 4. | Approval of Contract with Concentra Health Services, Inc. to provide work related medical services to all City employees in an Amount not to Exceed \$28,589.00 |
| File #46887 | 5. | Approval of Contract with Sprint for Cell Phones service and equipment in an Annual Amount not to Exceed \$88,600.00 |
| File #46888 | 6. | Approval of Contract with Navtrak, Inc. for AVL/GPS Vehicle Tracking System for the Street Division in an Amount not to Exceed \$79,906.52 |
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F. Preliminary Plats
None | | |
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G. Miscellaneous | | |
| File #46755 | 1. | Approval of Arts and Culture Commission Expenditures |
| File #46756 | 2. | Request for Funds to be Paid Out of Council Directives |
| File #46712 | 3. | Report of the City Clerk relative to Disposal of Various Records Pursuant to the Missouri Records Manual and State Records Retention Law (Community Development Records) |
| File #46713 | 4. | Approval of Revision to Council Rule 13(A) Relative to Regular Council Meeting Agendas |
| File #46710 | 5. | Extension of Deadline for Compliance with the Conditions Placed on the Liquor License for Quintessentials Located at 147-149 North Main |

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ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Announcement of Line of Succession

A motion was made by LARRY MUENCH to receive the following Council Line of Succession as determined by a lottery conducted by City Clerk Marilyn K. McCoy on July 15, 2008, in accordance with Section 30.03(C)(3) of the City Code:

1. President of the Council: Jerry Reese
2. Vice-President: Larry Muench
3. Mike Klinghammer
4. Erv Ermeling
5. Richard Veit
6. Dave Beckering
7. Bob Kneemiller
8. Ron Stivison
9. Michael Weller
10. Laurie Feldman

RICHARD VEIT seconded the motion. All voted in favor, motion passed.
File #46889

Announcement of Receipt of Fire Department Grant

Councilmember Bob Kneemiller announced that the Rotary Club awarded the Fire Department a grant for purchase of rescue equipment for use in extricating persons from a large recreational vehicle.

Update on Elm Street Reconstruction Project

Councilmember Dave Beckering gave an update on the Elm Street Reconstruction Project. Councilmember Michael Klinghammer requested that the anticipated date of completion be included in the monthly updates.
File #46730

Request for Council Approval of Change in Liaison to the Board of Public Works

A motion was made by LAURIE FELDMAN to approve Councilmember Michael Klinghammer as Council Liaison to the Board of Public Works, with Councilmember Erv Ermeling is Alternate Council Liaison to the Board of Public Works. DAVE BECKERING seconded the motion. All voted in favor, motion passed.

Written and/or Verbal Messages from the Councilmembers

Letter of Commendation. Councilmember Laurie Feldman requested that a letter of commendation be issued to Allied Waste Employee Les Andrews for reporting a gas leak at 215 French.

Humane Society Food Pantry. Councilmember Laurie Feldman encouraged residents to donate food items, cat litter, bleach, paper towels, etc. to the Humane Society.

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Assistance to Stranded Visitors. President of the Council Jerry Reese thanked Mayor Patricia York, Councilmember Laurie Feldman, Police Chief Dennis Corley, and Fire Chief Ernie Rhodes for the hospitality provided to stranded visitors whose bus broke down on Highway 370.

CLOSED SESSION

A roll call vote was taken to recess into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2), preparation, including any discussions or work product, on behalf of the Council or its representatives for negotiations with employee groups (RSMo 610.021.9); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12), at 9:20 p.m., with the following results: "Aye": Stivison, Viet, Weller, Beckering, Ermeling, Feldman, Klinghammer, Kneemiller, Muench, and Reese. "Nay": None. Absent: None. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 8:20 p.m.

August 19, 2008
Date Approved
Marilyn K. McCoy
City Clerk

Jerry Reese
Jerry Reese, Presiding Officer